

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN CAROLYN SQUIRES**, on February 16, 2007  
at 3:00 P.M., in Room 335 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Joe Balyeat (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Jeff Essmann (R)  
Sen. Steven Gallus (D)  
Sen. Larry Jent (D)  
Sen. Rick Laible (R)  
Sen. Jesse Laslovich (D)  
Sen. Dave Lewis (R)  
Sen. Jim Shockley (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Dave Bohyer, Legislative Branch  
Lois O'Connor, Committee Secretary

**Audio Committees:** These minutes are in outline form only.

They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted:	SB 410, 2/9/2007; SB 437, 2/9/2007; HB 292, 2/9/2007
Executive Action:	SB 410, HB 292, SB 437, SB 63, SB 273, SB 280, SB 279, SB 359, SB 253, SB 317, SB 340

00:00:14

**HEARING ON SB 410**

**Opening Statement by Sponsor:**

00:00:42   **SEN. DON RYAN (D), SD 10**, opened the hearing on **SB 410**,  
Revise state holidays -- delete Columbus day -- add  
September 11.

**EXHIBIT**(sts35a01)

**Proponents' Testimony:**

00:06:52   Doug Neil, Montana State Firemen's Association

00:08:55   Jim Smith, Montana Sheriffs and Peace Officers  
Association

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:10:57   Sen. Rick Laible to Sen. Ryan

00:14:10   Sen. Jim Shockley to Sen. Ryan

00:15:26   Sen. Joe Balyeat to Sen. Ryan

00:17:16   Sen. Jeff Essmann to Sen. Ryan

00:18:40   Sen. Balyeat to Sen. Ryan

00:19:59   Sen. Essmann to Sen. Ryan

**Closing by Sponsor:**

00:20:45   Sen. Ryan

**HEARING ON SB 437**

**Opening Statement by Sponsor:**

00:23:09 **SEN. JIM ELLIOTT (D), SD 7**, opened the hearing on **SB 437**, Establish criteria for election to office of sheriff.

**Proponents' Testimony:**

00:27:41 Cheryl Liedle, Sheriff, Lewis and Clark County

00:29:17 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

**EXHIBIT**(sts35a02)

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:32:12 Sen. Elliott to Sen. Balyeat rereferred to Mr. Smith, MSPOA

00:37:00 Sen. Shockley to Sen. Elliott

00:39:14 Sen. Laible to Mr. Smith, MSPOA

00:42:50 Sen. Laible to Sen. Elliott

00:43:16 Sen. Tropila

**Closing by Sponsor:**

00:44:03 Sen. Elliott

**EXECUTIVE ACTION ON SB 410**

00:45:50 **Motion:** **SEN. COCCHIARELLA** moved that SB 410 DO PASS.

00:46:00 **Motion:** **SEN. COCCHIARELLA** moved to amend SB 410 with amendment #SB0410001.ALH and a CONCEPTUAL AMENDMENT DO PASS. Motion passed unanimously by voice vote. **SEN. SQUIRES** voted aye by proxy.

00:46:42 **Motion:** **SEN. COCCHIARELLA** moved that SB 410 DO PASS AS AMENDED.

**Discussion:**

00:46:54 Sen. Larry Jent

00:48:33 Sen. Shockley

00:49:00 Sen. Dave Lewis

00:49:48 Sen. Shockley

00:50:19 Sen. Lewis

00:52:00 **Vote:** Motion that SB 410 DO PASS AS AMENDED carried 6-5 by roll call vote with SEN. BALYEAT, SEN. ESSMANN, SEN. JENT, SEN. LAIBLE, and SEN. LEWIS voting no. SEN. SQUIRES voted aye by proxy.

**HEARING ON HB 292**

**Opening Statement by Sponsor:**

00:53:43 **REP. WAYNE STAHL (R), HD 35**, opened the hearing on **HB 292**, Revise local government leasing laws.

**Proponents' Testimony:**

00:55:51 Dave Reinhardt, Valley County Commissioner

00:56:54 Cheryl Wood, Associate Director, Montana Association of Counties (MACo)

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:58:25 Sen. Shockley to Rep. Stahl rereferred to Mr. Reinhardt

01:00:42 Sen. Laible to Mr. Reinhardt

01:01:48 Sen. Gallus to Mr. Reinhardt

**Closing by Sponsor:**

01:03:06 Rep. Stahl

**EXECUTIVE ACTION ON HB 292**

01:03:45 **Motion:** SEN. TROPILA moved that HB 292 BE CONCURRED IN.

**Discussion:**

01:03:48 Sen. Shockley to David Bohyer, Research Director, Legislative Services Division (LSD)

01:04:35 Sen. Laible

01:04:52 Sen. Balyeat

01:05:20 Sen. Shockley

01:05:31 Sen. Gallus

01:06:11 **Vote:** Motion that HB 292 BE CONCURRED IN carried unanimously by voice vote. SEN. SQUIRES vote aye by proxy. SEN. JENT will sponsor HB 292.

**EXECUTIVE ACTION ON SB 437**

01:07:19 **Motion:** SEN. COCCHIARELLA moved that SB 437 DO PASS.

01:07:21 **Motion:** SEN. COCCHIARELLA moved to amend SB 437 with amendment #SB043701.ALH. Motion carried unanimously by voice vote.

**EXHIBIT**(sts35a03)

01:07:43 **Motion:** SEN. SHOCKLEY moved that SB 437 DO PASS AS AMENDED.

**Discussion:**

01:08:43 Sen. Essmann

01:09:31 Mr. Bohyer, LSD to Sen. Essmann

01:09:50 Sen. Laible

01:11:03 Sen. Cocchiarella

01:12:45 Sen. Shockley

01:13:48 **Substitute Motion/Vote:** SEN. SHOCKLEY made a substitute motion that SB 437 BE TABLED. Substitute motion failed 4-6 on a roll call vote. SEN. ESSMANN, SEN. GALLUS, SEN. LAIBLE, and SEN. SHOCKLEY voted aye. SEN. SQUIRES was excused.

**Discussion:**

01:15:22 Sen. Laible

01:16:50 Sen. Balyeat

01:18:25 Sen. Lewis

01:18:56 Sen. Gallus

01:19:06 **Vote:** Motion that SB 437 DO PASS AS AMENDED carried 6-5 by roll call vote with SEN. BALYEAT, SEN. ESSMANN, SEN. GALLUS, SEN. LAIBLE, and SEN. SHOCKLEY voting no. SEN. SQUIRES voted aye by proxy.

**EXECUTIVE ACTION ON SB 63**

01:20:45 **Motion:** SEN. COCCHIARELLA moved that SB 63 DO PASS.

01:20:48 **Motion:** SEN. COCCHIARELLA moved to amend SB 63 with amendment #SB006302.ADB.

**EXHIBIT**(sts35a04)

**Discussion:**

01:21:00 Sen. Cocchiarella

01:22:08 Sen. Shockley

01:22:45 Mr. Bohyer, LSD

01:24:02 Sen. Shockley to Mr. Bohyer, LSD

01:24:22 Sen. Shockley

01:24:36 **Vote:** Motion that #SB006302.ADB be approved carried 10-1 by voice vote. SEN. SHOCKLEY voted nay. SEN. SQUIRES voted aye by proxy.

01:24:54 **Motion:** SEN. COCCHIARELLA moved that SB 63 DO PASS AS AMENDED.

**Discussion:**

01:25:06 Sen. Balyeat

01:26:37 **Vote:** Motion that SB 63 DO PASS AS AMENDED carried 9-2 by voice vote. SEN. ESSMANN and SEN. BALYEAT voted no. SEN. SQUIRES voted aye by proxy.

**EXECUTIVE ACTION ON SB 273**

01:27:31 **Motion:** SEN. JENT moved that SB 273 DO PASS.

01:27:41 **Motion:** SEN. JENT moved to amend SB 273 with amendment #SB027304.ADB.

**EXHIBIT**(sts35a05)

**Discussion:**

01:28:53 Sen. Jent

01:31:08 Sen. Essmann to Sen. Jent rereferred to Mr. Bohyer, LSD

01:31:56 **Vote:** Motion that #SB027304.ADB DO PASS carried unanimously by voice vote.

01:32:10 **Motion:** SEN. JENT moved that SB 273 DO PASS AS AMENDED.

01:33:07 **Motion:** SEN. JENT moved to further amend SB 273 with amendment #SB027302.ADB.

**EXHIBIT**(sts35a06)

**Discussion:**

01:37:34 Pam Bucy, Montana Department of Justice (DOJ)

01:37:57 Sen. Cocchiarella to Ms. Bucy, DOJ

01:41:08 **Vote:** Motion that #SB027302.ADB be approved carried unanimously by voice vote.

01:41:20 **Motion:** SEN. JENT moved that SB 273 DO PASS AS AMENDED.

01:42:09 **Motion:** SEN. SHOCKLEY moved to further amend SB 273 with amendment #SB027303.ABD. Motion carried unanimously by voice vote.

**EXHIBIT**(sts35a07)

01:42:23 **Motion:** SEN. SHOCKLEY moved that SB 273 DO PASS AS AMENDED.

**Discussion:**

01:42:47 Sen. Balyeat

01:43:33 Sen. Cocchiarella

01:43:53 Sen. Jent

01:44:08 **Vote:** Motion that SB 273 DO PASS AS AMENDED carried 9-2 by voice vote with SEN. COCCHIARELLA voting no. SEN. SQUIRES voted no by proxy.

**EXECUTIVE ACTION ON SB 280**

01:44:43 **Motion:** SEN. BALYEAT moved that SB 280 DO PASS.

**Discussion:**

01:44:50 Sen. Balyeat

01:46:42 Sen. Cocchiarella

01:46:52 Sen. Gallus

01:47:19 **Substitute Motion:** SEN. COCCHIARELLA made a substitute motion that SB 280 BE TABLED. Motion carried 6-5 by roll call vote. SEN. BALYEAT, SEN. ESSMANN, SEN. LAIBLE, SEN. LEWIS, and SEN. SHOCKLEY voted no. SEN. SQUIRES voted aye by proxy.

**EXECUTIVE ACTION ON SB 279**

01:49:32 **Motion:** SEN. BALYEAT moved that SB 279 DO PASS.

01:49:46 **Motion:** SEN. BALYEAT moved to amend SB 279 with amendment #SB027901.ADB.

**EXHIBIT**(sts35a08)



**Discussion:**

01:50:00 Sen. Balyeat

01:51:52 Sen. Shockley

01:52:05 Sen. Balyeat

01:53:14 Sen. Shockley to Sen. Balyeat

01:53:37 Mr. Bohyer

01:53:51 **Vote:** Motion that #SB027901.ADB be approved carried unanimously by voice vote.

01:54:07 **Motion:** SEN. SHOCKLEY moved that SB 359 DO PASS AS AMENDED.

01:54:10 **Motion:** SEN. ESSMANN moved to further amend SB 359 with a CONCEPTUAL AMENDMENT. Motion passed 8-3 by voice vote. SEN. JENT, SEN. COCCHIARELLA, and SEN. GALLUS voted no.

01:55:41 **Motion:** SEN. SHOCKLEY moved that SB 359 DO PASS AS AMENDED.

**Discussion:**

01:55:51 Sen. Shockley

01:56:29 Sen. Cocchiarella to Sen. Balyeat

01:57:57 Sen. Essmann

01:59:05 **Vote:** Motion that SB 279 DO PASS AS AMENDED carried 8-3 by voice vote with SEN. COCCHIARELLA, SEN. GALLUS, and SEN. JENT voting no.

**EXECUTIVE ACTION ON SB 359**

02:01:12 **Motion:** SEN. COCCHIARELLA moved that SB 359 DO PASS.

02:01:14 **Motion:** SEN. COCCHIARELLA moved to amend SB 359 with amendment #SB035901.ASO.

**EXHIBIT**(sts35a09)

**Discussion:**

02:02:10 Sen. Balyeat

02:02:52 **Vote:** Motion that #SB035901.ASO be approved carried unanimously by voice vote.

02:03:02 **Motion:** SEN. SHOCKLEY moved that SB 359 DO PASS AS AMENDED.

**Discussion:**

02:03:33 **Motion:** SEN. LAIBLE moved to further amend SB 359 with amendment #SB035901.ADB.

**EXHIBIT**(sts35a10)

02:04:34 SEN. COCCHIARELLA moved to segregate amendment #3 of #SB035901.ADB

**Discussion:**

02:05:16 Sen. Laible

02:05:25 Sen. Squires to Sen. Laible

02:07:17 Sen. Squires to Sen. Cocchiarella

02:08:59 **Motion:** Motion passed unanimously by voice vote.

02:09:25 **Motion:** SEN. LAIBLE moved to REINSTATE amendment #3 of #SB035901.ADB.

**Discussion:**

02:10:14 Sen. Shockley

02:10:26 Sen. Balyeat

02:10:40 Sen. Cocchiarella

02:11:20 **Motion:** SEN. TROPILA made a substitute motion to amend SB 359 with a CONCEPTUAL AMENDMENT.

**Discussion:**

02:11:33 Sen. Balyeat

02:12:56 Sen. Laible

02:13:10 **Vote:** Motion on the CONCEPTUAL AMENDMENT carried unanimously by voice vote.

02:13:18 **Motion/Vote:** SEN. SHOCKLEY moved that SB 359 DO PASS AS AMENDED. Motion carried 10-1 by voice vote with SEN. LEWIS voting no.

**EXECUTIVE ACTION ON SB 253**

02:13:00 **Motion:** SEN. SHOCKLEY moved that SB 253 DO PASS.

**Discussion:**

02:13:59 Sen. Squires

02:14:54 Sen. Tropila

02:15:15 Sen. Gallus

02:15:29 Sen. Essmann

02:16:43 Sen. Squires

02:17:11 Sen. Balyeat

02:17:55 **Vote:** Motion that SB 253 DO PASS carried 10-1 by voice vote with SEN. ESSMANN voting no.

**EXECUTIVE ACTION ON SB 317**

02:19:14 **Motion:** SEN. SQUIRES moved that SB 317 DO PASS.

**Discussion:**

02:19:41 Sen. Lewis

02:20:15 **Motion:** SEN. LEWIS moved to amend SB 317 with amendment #SB031701.AJK. Motion carried unanimously by voice vote.

**EXHIBIT**(sts35a11)

02:20:57 Motion/Vote: SEN. LEWIS moved to further amend SB 317 with #SB031701.ADB. Motion carried unanimously by voice vote.

EXHIBIT(sts35a12)

02:21:32 Motion/Vote: SEN. SHOCKLEY moved that SB 317 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 340

02:23:13 Motion: SEN. COCCHIARELLA moved that SB 340 DO PASS.

02:23:37 Motion: SEN. ESSMANN moved to amend SB 340 with a CONCEPTUAL AMENDMENT.

Discussion:

02:24:34 Sen. Shockley

02:24:52 Sen. Squires

02:25:49 Substitute Motion/Vote: SEN. JENT made a substitute motion that SB 340 BE TABLED. Substitute motion passed 7-4 by voice vote with SEN. BALYEAT, SEN. ESSMANN, SEN. LAIBLE, and SEN. LEWIS voting no.

**ADJOURNMENT**

Adjournment: 5:40 P.M.

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SEN. CAROLYN SQUIRES, Chairman

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LOIS O'CONNOR, Secretary

CS/lo

Additional Exhibits:

**EXHIBIT ([sts35aad.pdf](#))**